

## **REMARKS**

### **Examiner's Interview**

Applicant wishes to express its appreciation for the Interview granted by the Examiner on September 4, 2001.

### **Response to Restriction Requirement**

Applicant hereby confirms the election of Group I, Species 1, claims 1-19, and 58, without prejudice and with traverse, in light of the fact that the groups as stated do not require additional searching outside of the initial class searched, as discussed with the Examiner in an Interview on April 18, 2001. Further, Applicant does not concede to the characterization, in the Office Action, of the species relationships drawn within Group I.

### **Claim Rejections Pursuant to 35 U.S.C. 112**

Claims 10-12 and 17-19 are rejected, pursuant to 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the invention.

Applicant respectfully traverses the rejection of claims 10-12 pursuant to 35 U.S.C. 112, and respectfully traverses the characterization of claims 10-12 as indefinite. Nonetheless, in order to expedite prosecution of the instant application, claims 10, 11 and 12 are cancelled, without prejudice, herein. Applicant submits that the cancellation of claims 10, 11 and 12 moots the rejection with respect to claims 10, 11 and 12.

Applicant respectfully submits that the amendments made to claim 17, and the dependence of claims 18 and 19 on amended claim 17, overcome the rejections made pursuant to 35 U.S.C. 112 with respect to claims 17-19.

### **INTERVIEW SUMMARY**

#### **Claim Rejections Pursuant to 35 U.S.C. 103(a)**

Claims 2-9, 13-19, 58, and 60-75 are now pending in the application.

The Office Action dated April 25, 2001 rejects claims 1 to 19 and 58 as obvious, and therefore unpatentable, pursuant to 35 USC 103(a), over either McFarland et al., U.S. Patent No. 6,096,412, or Schleinz et al., U.S. Patent No. 5,458,590, in view of Krzysik et al., U.S. Patent No. 5,601,871. Claim 1 has been cancelled, without prejudice, herein. For the reasons set forth hereinbelow, it is respectfully submitted that the subject matter of claims 2-10, 12-19, 58, and 60-75 is neither disclosed nor suggested by the cited references, nor by any combination thereof.

The Office Action states that McFarland and Schleinz are concerned with the creation of printing ink on absorbent, non-woven materials. In fact, McFarland teaches the creation of a paper towel, at column 22, lines 30-35, and Schleinz teaches the creation of a back sheet for an absorbent diaper, at column 6, lines 60-65, and column 8, lines 1-6. The Office Action further states that it is the Examiner's position that the inventions of McFarland and Schleinz, which comprise a paper towel, and a diaper backsheet, respectively, are inherently capable of absorbing at least 1.5 times the weight of the material. It is the position of the Examiner that, if the inventions of McFarland and Schleinz do not inherently possess the claimed

absorbency, it would have been obvious to one skilled in the art to increase the absorbency in order to make it more efficient in the respective applications.

During the Interview with the Examiner, Applicant noted that the present invention is directed to a pad that may be placed in solution, such as in a shelf-stored medicated solution, over an extended period of time, and, as such, the pad evidences highly absorbent properties without degradation due to extended exposure to such solutions. In accordance with the suggestions of the Examiner, new claims 63 and 74, and now amended claim 58 of the instant application, clarify that the non-woven pad displays high absorbency properties that allow the material to absorb large quantities of solution over time without substantial degradation of the material. Applicant submits that certain paper products, such as the paper towel disclosed in McFarland and the diaper backsheet disclosed in Schleinz, would suffer substantial degradation in instances necessitating high absorbency levels over extended time periods.

Applicant further notes that, as the absorbency required of the materials in McFarland and Schleinz increases, the likelihood of leeching of the ink from the inventions of McFarland and Schleinz also increases. The Examiner requested during the Interview that Applicant state the characteristics of the present invention that allow for the inks of the present invention to prevent leeching specifically in high absorbency situations. Responsive to that request, Applicant now states, in new claims 63, 74, and amended claim 58, certain specific properties of the inks employed in the present invention, and in particular the ink vehicles and ink types used in the present invention. Neither McFarland nor Schleinz address the leeching difficulties addressed by the present invention, particularly with respect to leeching in the high absorbency applications of the present invention.

Applicants note that there is no suggestion in the teachings of McFarland or Schleinz to combine McFarland or Schleinz with the teaching of Krzysik, and thus, in addition to the Remarks made hereinabove, Applicants submit that a prima facie case for an obviousness rejection in light of McFarland, Schleinz, and Krzysik, or any combination thereof, has not been provided.

Applicants thus respectfully submit that the rejections based on 35 U.S.C. 103 are obviated for the reasons set forth hereinabove. Inasmuch as the rejections of claims 2-10, and 13-19, which depend directly or indirectly on the independent claims discussed herein, are made pursuant to 35 U.S.C. 103, Applicants submit that these rejections are also obviated for the reasons set forth hereinabove, and, in addition, due to the ultimate dependence of those dependent claims on the allowable independent claims.

#### New Claims 60-75

In accordance with the suggestions of the Examiner, Applicant submits herewith new claim 74, incorporating certain subject matter of claims 1 and 58, as discussed with the Examiner during the Interview. Additionally, in accordance with the suggestions of the Examiner, the ultimate dependence of claims 2-9 and 13-19 is corrected herein to reflect an ultimate dependence on claim 74.

Applicant submits that new claims 60-75 are supported generally by the specification and claims as filed, and are commensurate in subject matter with claims 2-9, 13-19, and 58, and, as such, are properly examined with claims 2-9, 13-19, and 58. Applicants additionally submit that claims 60-75 are patentable over McFarland, Schleinz, and Krzysik, and any

combination thereof, at least by reason of the distinctions discussed hereinabove, and, with respect to claims 60-62, due to an ultimate dependence on allowable claim 58.

#### Product Descriptions

The Examiner requested during the Interview that Applicant provide informational descriptions of certain of the products set forth in the specification as exemplary of the materials employed in the present invention, namely the exemplary inks by Coloron and the exemplary pad by DuPont.

Responsive to that request, Applicant submits, in an Information Disclosure Statement filed concurrently herewith and forming a part hereof, and by attached copy hereto, product descriptions of the current Coloron equivalents of the Coloron inks cited in the specification, and current DuPont equivalents of the DuPont pads cited in the specification.

Conclusion

Applicants have amended the Claims in a diligent effort to place the instant application in condition for allowance, and a Notice of Allowance for Claims 2-9, 13-19, 58, and 60-75 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. McWilliams', written over a horizontal line.

Thomas J. McWilliams  
Registration No. 44,930  
Reed Smith LLP  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 241-7939

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### **MARK-UP VERSION OF AMENDED CLAIMS**

2. (Amended) The pad of claim [1] 74, wherein the second printed ink is printed on the first surface and further comprising [a] an additional printed ink on [a] the second surface of the material and wherein the inks printed on the first and second surfaces are substantially in register with reference to the at least one common reference.
4. (Amended) The pad of claim [1] 74, wherein the material has a thickness of about 30 mils to 50 mils.
5. (Amended) The pad of claim [1] 74, wherein the material is a non-woven polyester.
8. (Amended) The pad of claim [1] 74, wherein the material is a polyester cellulose blend.
14. (Amended) The pad of claim [13] 74, wherein each of the first and second inks [ink] is a non-carbon gravure ink.
16. (Amended) The pad of claim [1] 74, wherein said piece of material is substantially circular.
17. (Amended) The pad of claim 3:

wherein the design on the first surface is substantially the same as the design on the second surface;

the material has a thickness of about 30 mils to 50 mils;

[the designs are printed with ink that is approved by the United States Food and Drug Administration;

the designs are printed with ink that is approved under California Proposition

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the designs are printed with ink that is compliant with CONEG;]

the designs are printed with ink that is substantially non-leaching;

the ink is a non-carbon gravure ink;

the ink has a viscosity of about 17 to 30 seconds in a no. 2 Zahn;

said piece of material is substantially circular.

58. (Amended) A pad comprising:

a piece of non-woven material wherein the material [comprises either] is selected from the group consisting of a polyester [or] and a polyester cellulose blend, and wherein said piece of material does not substantially degrade upon exposure to liquid over time; and

a first ink printed on a first surface of the piece of non-woven material, wherein the first ink comprises a vehicle selected from the group consisting of nitrocellulose, polyamid, vinyl acrylic, shellac, and combinations of nitrocellulose, polyamid, vinyl acrylic and shellac, wherein the first ink is substantially non-leaching due to the vehicle selected.